

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Robert J. Leistner
aka M.D. Autoworks
Linda A. Leistner
Debtor(s)

Bankruptcy Case No.: 17-22526-GLT
Issued Per 1/19/2017 Proceeding
Chapter: 13
Docket No.: 44 - 37
Concil. Conf.: January 25, 2018 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 31, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$5,401.00 as of November, 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Jan. 25, 2018 at 11:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 2 of The IRS, Claim No. 9 of County of Allegheny, Claim No. 8 of First Commonwealth Bank and Claim No. 1 of PA Dept of Revenue .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: October 23, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Robert J. Leistner
 Linda A. Leistner
 Debtors

Case No. 17-22526-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 33

Date Rcvd: Oct 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 25, 2017.

db/jdb
 cr Robert J. Leistner, Linda A. Leistner, 1005 Government Rd, Irwin, PA 15642-8818
 +County of Allegheny, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 cr +T. Lawrence Palmer Office of Attorney General, Pen, Office of Attorney General,
 5th Floor, Manor Complex, 564 Forbes Avenue, Pittsburgh, PA 15219-2992
 cr +Wilkesburg School District and Wilkesburg Borough, Tax Division,
 c/o Maiello, Brungo & Maiello, LLP, Foxpointe II, 100 Purity Rd, Ste. 3,
 Pittsburgh, PA 15235-4441
 14646893 +Borough of Wilkesburg, 605 Ross Avenue, Wilkesburg, PA 15221-2198
 14646894 +Borough of Wilkesburg, 605 Ross Ave, Pittsburgh, PA 15221-2198
 14661986 +COMMONWEALTH OF PA UCTS, DEPARTMENT OF LABOR AND INDUSTRY, COLLECTIONS SUPPORT UNIT,
 651 BOAS STREET, ROOM 702, HARRISBURG, PA 17121-0751
 14646895 +Citimortgage, Inc., 1000 Technology Dr, O'Fallon, MO 63368-2240
 14691889 +County of Allegheny, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14688585 +First Commonwealth Bank, c/o McGrath McCall, P.C., Four Gateway Center, Suite 1040,
 444 Liberty Avenue, Pittsburgh, PA 15222-1225
 14646902 KML Law Group, PC, BNY Mellon Independence Ctr, 701 Market St Ste 5000,
 Philadelphia, PA 19106-1541
 14646901 Kirsten S. Penn, Esquire, McGrath, McCall, PC, 3 Gateway Ctr Ste 1375,
 Pittsburgh, PA 15222
 14646903 MB & M Collections, LLC, 100 Purity Rd Ste 3, Pittsburgh, PA 15235-4441
 14678258 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
 14646904 MidFirst Bank/Midland Mortgage, Attn: Bankruptcy Dept., 999 NW Grand Blvd Ste 100,
 Oklahoma City, OK 73118-6051
 14646905 Midland Mortgage Delinquency Assistance, PO Box 268806, Oklahoma City, OK 73126-8806
 14646909 PA Department of Revenue, Greensburg District Office, 15 W 3rd St Fl 2,
 Greensburg, PA 15601-3003
 14646908 PA Department of Revenue, Pittsburgh District Office, 11 Stanwix St Ste 310,
 Pittsburgh, PA 15222-1359
 14646906 PA Department of Revenue, PO Box 280437, Harrisburg, PA 17128-0437
 14646910 Receivables Management, 240 Emery St, Bethlehem, PA 18015-1980
 14646911 +Treasurer, City of Pittsburgh, Taxpayer Services, 414 Grant St Rm 205,
 Pittsburgh, PA 15219-2419
 14646912 +Wilkesburg Borough School District, 718 Wallace Ave, Pittsburgh, PA 15221-2299
 14666376 +Wilkesburg Borough, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3,
 Pittsburgh, PA 15235-4441
 14666378 +Wilkesburg School District, c/o Maiello Brungo & Maiello, LLP, 100 Purity Road, Suite 3,
 Pittsburgh, PA 15235-4441

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr E-mail/Text: bankruptcynotice@fcbanking.com Oct 24 2017 03:22:51 First Commonwealth Bank,
 654 Philadelphia Street, P. O. Box 400, Indiana, PA 15701-0400
 14646896 E-mail/Text: ra-li-ucts-bankhbg@state.pa.us Oct 24 2017 03:24:01
 Department of Labor & Industry--UCTS, Commonwealth of PA Attention: Joseph Kot,
 625 Cherry St Rm 203, Reading, PA 19602-1152
 14646897 E-mail/Text: bankruptcynotice@fcbanking.com Oct 24 2017 03:22:51 First Commonwealth Bank,
 654 Philadelphia St, Indiana, PA 15701-3930
 14646898 E-mail/Text: bankruptcynotice@fcbanking.com Oct 24 2017 03:22:51 First Commonwealth Bank,
 1880 Union Ave, Natrona Heights, PA 15065-2201
 14646900 E-mail/Text: cio.bncmail@irs.gov Oct 24 2017 03:22:56 Internal Revenue Service,
 Centralized Insolvency Operations, PO Box 7346, Philadelphia, PA 19101-7346
 14646907 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Oct 24 2017 03:23:16 PA Department of Revenue,
 Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946
 14650939 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Oct 24 2017 03:23:16
 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
 Harrisburg PA 17128-0946
 14686779 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Oct 24 2017 03:33:57 Verizon,
 by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 14703179 +E-mail/Text: rmcbknotices@wm.com Oct 24 2017 03:23:49 Waste Management,
 2625 W Grandview Rd #150, Phoenix, AZ 85023-3109

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Duquesne Light Company
 cr MidFirst Bank
 14646899* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
 PHILADELPHIA PA 19101-7346
 (address filed with court: Internal Revenue Service, Department of the Treasury,
 1000 Liberty Ave Rm 705, Pittsburgh, PA 15222-4004)

TOTALS: 2, * 1, ## 0

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 33

Date Rcvd: Oct 23, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 25, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 23, 2017 at the address(es) listed below:

Allison L. Carr on behalf of Creditor Duquesne Light Company acarr@bernsteinlaw.com,
acarr@ecf.courtdrive.com; cwirick@ecf.courtdrive.com
CSU - OUCTS, PA Labor & Industry ra-li-ucts-bankpitts@state.pa.us
Gary W. Darr on behalf of Creditor First Commonwealth Bank gdarr@lenderlaw.com
James Warmbrodt on behalf of Creditor MidFirst Bank bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com,
cnoroski@grblaw.com
Jennifer L. Cerce on behalf of Creditor Wilkinsburg School District and Wilkinsburg Borough
jlc@mbm-law.net
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Robert H. Slone on behalf of Joint Debtor Linda A. Leistner robertslone223@gmail.com,
rslone@pulsenet.com; G17689@notify.cincompass.com
Robert H. Slone on behalf of Debtor Robert J. Leistner robertslone223@gmail.com,
rslone@pulsenet.com; G17689@notify.cincompass.com
Roger P. Poorman on behalf of Creditor First Commonwealth Bank rpoorman@lenderlaw.com,
sdorn@lenderlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
T. Lawrence Palmer on behalf of Creditor T. Lawrence Palmer Office of Attorney General,
Pennsylvania Department of Revenue lpalmer@attorneygeneral.gov, MarkSPalmerPC@aol.com
TOTAL: 12